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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DARREL C. OLDS, JR.,

9 Petitioner,

10 v.

11 SCOTT FRAKES and ELDON VAIL,

12 Respondents.


Case No. C08-5612 FDB/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION

13 The Court, having reviewed the Amended Petition for Writ of Habeas Corpus, Respondent's
14 Answer, the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to
15 the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- 16 (1) The Court adopts the Report and Recommendation;
- 17 (2) Petitioner's federal habeas corpus claims are **Dismissed without Prejudice** as they
are unexhausted.
- 18 (3) The Clerk is directed to send copies of this Order to Petitioner, counsel for
19 Respondent and to the Hon. Karen L. Strombom.

20 DATED this 20th day of July 2009.

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23 FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE